

NOTE CHANGES MADE BY THE COURT.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IN RE CRYOBANKS
INTERNATIONAL DERIVATIVE
LITIGATION

Case No.: CV 08-07244 SJO (Cwx)

~~PROPOSED~~ ORDER ON STIPULATION
FOR ISSUANCE OF A PROTECTIVE
ORDER

PENNY MCCOY and
CHANDRASHEKHAR R. JOSHI,
M.D.,

Honorable S. James Otero

Plaintiffs,

vs.

ZUBAIR KAZI; KAZI FOODS, INC.;
and KAZI MANAGEMENT VI, LLC;

Defendants.

CRYOBANKS INTERNATIONAL,
INC.,

Nominal Defendant

Pursuant to the Stipulation of the parties filed on May 25 2010, concerning
"Confidential-Net Worth" documents and information, the court approves the

1 Stipulation and Orders that this action shall be governed by the terms of said
2 Stipulation, *as amended by the court (per attachment)*

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4 Dated: *May 27*, 2010

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6 *Carla M. Wodulke*
7 ~~United States District Judge~~ United
8 States Magistrate Judge
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COURTESY COPY

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Attorneys for Defendant
 ZUBAIR KAZI

NOTE CHANGES MADE BY THE COURT.

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

IN RE CRYOBANKS
 INTERNATIONAL DERIVATIVE
 LITIGATION

Case No.: CV 08-07244 SJO (Cwx)

**STIPULATION FOR ISSUANCE OF A
 PROTECTIVE ORDER; [PROPOSED]
 ORDER THEREON**

PENNY MCCOY and
 CHANDRASHEKHAR R. JOSHI,
 M.D.,

 Plaintiffs,

Honorable S. James Otero

vs.

ZUBAIR KAZI; KAZI FOODS, INC.;
 and KAZI MANAGEMENT VI, LLC;

 Defendants.

CRYOBANKS INTERNATIONAL,
 INC.,

 Nominal Defendant

Subject to the approval of this Court, the parties hereby stipulate to the
 following protective order.

1 1. “Confidential- Net Worth” under the terms of this Stipulated
 2 Protective Order (hereinafter “Order”) is information requested by Plaintiffs as to
 3 the net worth and financial condition of Defendants in a specific set of
 4 interrogatories and document request.

5 By designating a document, thing, material, testimony or other information
 6 derived therefrom as “Confidential- Net Worth,” under the terms of this order, the
 7 party making the designation is certifying to the court that there is a good faith
 8 basis both in law and in fact for the designation within the meaning of Federal Rule
 9 of Civil Procedure 26(g), under the above definition.

10 2. Confidential documents shall be so designated by stamping copies of
 11 the document produced to a party with the legend “CONFIDENTIAL- NET
 12 WORTH.” Stamping the legend “CONFIDENTIAL- NET WORTH” on the cover
 13 of any multipage document shall designate all pages of the document as
 14 confidential, unless otherwise indicated by the producing party.

15 3. Testimony about net worth or financial condition taken at a
 16 deposition, conference, ^{or pre-trial} hearing ~~or trial~~ may be designated as confidential by
 17 ^{on a non-dispositive matter} making a statement to that effect on the record at the deposition or other
 18 proceeding. Arrangements shall be made with the court reporter taking and
 19 transcribing such proceeding to separately bind such portions of the transcript
 20 containing information designated as confidential, and to label such portions
 21 appropriately.

22 4. Material designated as confidential under this Order, the information
 23 contained therein, and any summaries, copies, abstracts, or other documents
 24 derived in whole or in part from material designated as confidential (hereinafter
 25 “Confidential Material”) shall be used only for the purpose of the prosecution,
 26 defense, or settlement of this action, and for no other purpose.

27 5. Confidential Material produced pursuant to this Order may be
 28 disclosed or made available only to the Court, to counsel for a party (including the

1 paralegal, clerical and secretarial staff employed by such counsel), and to the
2 “qualified persons” designated below:

3 (a) experts or consultants (together with their clerical staff) retained by such
4 counsel to assist in the prosecution, defense, or settlement of this action;

5 (b) court reporter(s) employed in this action;

6 (c) a witness at any deposition or other proceeding in this action; and

7 (d) any other person as to whom the parties agree in writing or in the court’s
8 presence.

9 Under no circumstances may any documents produced pursuant to this
10 Order be provided to Dwight Brunoehler, or used by Dwight Brunoehler or his
11 counsel, in any action in which Dwight Brunoehler is a party thereto.

12 Prior to receiving any Confidential Material, each “qualified person” shall be
13 provided with a copy of this Order and shall execute a nondisclosure agreement in
14 the form of Attachment “A,” a copy of which shall be provided forthwith to

15 counsel for each other party and for the parties.

16 6. Nothing herein shall impose any restrictions on the use or disclosure
17 by a party of material obtained by such party independent of discovery in this
18 action, whether or not such material is also obtained through discovery in this
19 action, or from disclosing its own Confidential Material as it deems appropriate.

20 7. If Confidential Material, is to be included in any papers to be filed in
21 Court, the filing party shall give notice to the producing party. It is the producing
22 party’s burden on being given the specified documents ^{seek to} to file them under seal if
23 they so wish. *Compliance with Local Rule 79-5.1 is required.*

24 9. In the event that any Confidential Material is used in any court
25 proceeding in this action, it shall not lose its confidential status through such use,
26 and the party using such Confidential Material shall take all reasonable steps to
27 maintain its confidentiality during such use.
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1 10. This Order shall be without prejudice to the right of the parties (i) to
2 bring before the Court at any time the question of whether any particular document
3 or information is confidential or whether its use should be restricted or (ii) to
4 present a motion to the Court under FRCP 26(c) for a separate protective order as
5 to any particular document or information, including restrictions differing from
6 those as specified herein. This Order shall not be deemed to prejudice the parties
7 in any way in any future applications for modification of this Order.

8 11. This Order is entered solely for the purpose of facilitating the exchange
9 of documents and information between the parties to this action without involving
10 the Court unnecessarily in the process. Nothing in this Order nor the production of
11 any information or document under the terms of this Order nor any proceedings
12 pursuant to this Order shall be deemed to have the effect of an admission or waiver
13 by either party or of altering the confidentiality or nonconfidentiality of any such
14 document or information or altering any existing obligation of any party or the
15 absence thereof.

16 12. This Order shall survive the final termination of this action, to the extent
17 that the information contained in Confidential Material is not or does not become
18 known to the public, and the Court shall retain jurisdiction to resolve any dispute
19 concerning the use of information disclosed hereunder. Upon termination of this
20 case, counsel for the parties shall assemble and return to each other all documents,
21 material and deposition transcripts designated as confidential and all copies of

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1 same, or shall certify the destruction thereof.

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3 SO STIPULATED:

4
5 Dated: Apr 30, 2010

ROSEN & ASSOCIATES. P.C.

6
7
8 By: 

9 Robert Rosen
John B. Wallace
Attorneys for Plaintiff Penny McCoy

10
11 Dated: 5-3, 2010

GIRARDI & KEESE

12
13
14 By: 

15 Thomas Girardi
Shahram Shayesteh
Attorneys for Plaintiff
Chandrashekhhar Joshi, MD

16
17 Dated: _____, 2010

18 WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

19
20
21 By:

22 Patrick M. Kelly
Martin K. Deniston
Sean M. Bryn
Attorneys for Defendant Zubair Kazi

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STIPULATION FOR ISSUANCE OF A PROTECTIVE ORDER

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1 same, or shall certify the destruction thereof.

2
3 SO STIPULATED:

4
5 Dated: _____, 2010

ROSEN & ASSOCIATES. P.C.

6
7
8 By:

Robert Rosen
John B. Wallace
Attorneys for Plaintiff Penny McCoy

9
10
11 Dated: _____, 2010

GIRARDI & KEESE

12
13
14 By:

Thomas Girardi
Shahram Shayesteh
Attorneys for Plaintiff
Chandrashekhar Joshi, MD

15
16
17 Dated: 4-30, 2010


WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

18
19
20 By: 

Patrick M. Kelly
Martin K. Deniston
Sean M. Bryn
Attorneys for Defendant Zubair Kazi

1
2 Dated: May 25, 2010

GAREEB LAW GROUP APC

3
4
5 By: 
6 Alexander Gareeb
7 Attorneys for Defendants Kazi
Management VI, LLC and Kazi
Foods, INC.

8 Dated: _____, 2010

SOLTMAN, LEVITT, FLAHERTY
& WATTLE LLP

9
10 By:
11 John . Levitt
12 Attorneys for Defendant Cryobanks
International, Inc.

13 **ORDER**

14 IT IS SO ORDERED:

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16
17 Dated: _____, 2010

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19 _____
20 United States Magistrate Judge

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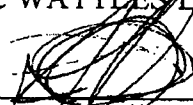
Dated: _____, 2010

GAREEB LEGAL GROUP

By: _____
Alexander Gareeb
Attorneys for Defendants Kazi
Management VI, LLC and Kazi
Foods, INC.

Dated: May 17, 2010

SOLTMAN, LEVITT, FLAHERTY
& WATTLES LLP

By: 
John Levitt
Attorneys for Defendant Cryobanks
International, Inc.

ORDER

IT IS SO ORDERED:

Dated: _____, 2010

United States Magistrate Judge



ATTACHMENT A

I, _____, do solemnly swear that I am fully familiar with the terms of the Stipulated Protective Order entered in McCoy et al. v. Kazi et al., United States District Court, Central District of California, Case No.: CV 08-07244 SJO (CWx), and hereby agree to comply with and be bound by the terms and conditions of said Order unless and until modified by further Order of this Court. I hereby consent to the jurisdiction of said Court for purposes of enforcing this Order.

Dated: _____

(print name)